

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

GREEN TREE SERVICING, LLC,)	
)	
Plaintiff)	
)	
vs.)	CAUSE NO. 3:13-CV-482 RLM
)	
CYNTHIA S. DAMRON,)	
)	
Defendant)	

OPINION and ORDER

This cause is before the court on the motion of Green Tree Servicing, LLC to clarify and/or modify the October 9, 2013 Opinion and Order relating to the award of fees and costs to Green Tree. Green Tree asks that the court grant its supplemental request for fees and costs, which was filed August 28, but not considered in the October 9 order, and identify the party responsible for payment of the fee award.

Green Tree has submitted the affidavit of its counsel, James M. Boyers, in support of its supplemental fee request. Mr. Boyers, who practices with Wooden & McLaughlin LLP in Indianapolis, Indiana, reports that his hourly rate is \$225.00 and the hourly rate of his associate, Leah B. Silverthorn who also represents Green Tree in these proceedings, is \$185.00. Mr. Boyers says their rates “are well within the market range for this type of work.” He also explains that Green Tree’s request for those additional amounts relates to counsels’ preparation of the fee request and the response to Ms. Damron’s motion for reconsideration, expenses

Green Tree says were “incurred as a result of the removal” as required by 28 U.S.C. § 1447(c).

A review of the record shows that the court inadvertently overlooked Green Tree’s supplemental request for fees and costs and so grants that request. The court concludes that, with the exception of three entries, Green Tree’s request is reasonable. Because the court is unable to determine if the entries from July 30 (“Drafted email to K Priore [redacted]”), July 31 (“Exchange emails with K. Priore [redacted]”), and August 8 (“Analysis of emails from K. Priore [redacted]”) are related to the removal proceedings, fees totaling \$112.50 for those entries will be deducted from the fees being requested.

Accordingly, the court GRANTS Green Tree’s supplemental request for fees [docket # 28] and awards Green Tree additional fees in the amount of \$2,736.00 and costs of \$8.21 to be taxed against plaintiff Cynthia Damron. See In re Crescent City Estates, LLC, 588 F.3d 822, 828 (4th Cir. 2009) (discussing the presumption that “when a fee-shifting statute [like 28 U.S.C. § 1447(c)] is silent about who pays attorneys’ fees, parties – not attorneys – are accountable”); Bogie v. Rosenberg, No. 11-CV-324, 2013 WL 5423005, at *8 (W.D. Wis. Sept. 26, 2013) (assessing fee award against plaintiff personally in reliance on Crescent City Estates).

SO ORDERED.

ENTERED: October 17, 2013

/s/ Robert L. Miller, Jr.
Judge, United States District Court